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November 19, 1992

AM BRANCH

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FILE NUMBER

DIRECT DIAL

Mr. Larry D. Eads
Federal Communications Commission
Mass Media Bureau
1919 M Street, N.W., Room 302
Washington, DC 20554

Re: KHTZ (AM), Truckee, CA (BP-871007AI)

Dear Mr. Eads:

In response to your October 22, 1992 letter concerning the above-referenced application, please be advised that the licensee, Americom, intends to prosecute its application through a hearing. Americom trusts that the Commission can act with more dispatch in setting and conducting the hearing than it has in deciding to hold a hearing.

In that regard, I note that Americom, after losing its transmitter site, spent over two years in trying to find a site at which it could reconstruct and operate a radio station serving Truckee, California. When it could not find a site, and could not get a waiver of the rules, it took the suggestion of the Commission and applied for a change of the community of license. That drew a Petition to Deny from a competitor¹ but the FCC, for no reason apparent to anyone, let this application languish for five years before designating it for a hearing.

Americom shares the Commission's concern that hearings can be delayed, protracted and expensive. It has no desire to engage in a long or expensive hearing, and believes an intelligently planned hearing can be conducted quickly and efficiently.

In that regard, your letter stated that among the factors to be considered at a hearing relative to the propriety of a proposed change of community of license were (1) the number of people effected by the move; (2) the area effected by the move; (3) possible interference with other AM stations; (4) the service and programming aimed at the proposed new service area; (5) the availability of other media outlets; and (6) whether the community that the station is leaving is in the sphere of influence of the community to which the station proposes to relocate. You also

¹ The competitor which filed the Petition to Deny is no longer a licensee, and its lender is now operating the station.

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noted that the Commission will compare the two communities and their needs in terms of radio broadcast stations. It is obvious that full consideration of those factors, and others, common to 307(b) hearings, inexorably leads to an involved, drawn out, and expensive hearing. And, while that may be appropriate in other circumstances, we do not believe it is appropriate here. You see, all of those issues assume that one option is not changing the city of license and remaining on the air. Americom has said that is not an option.

Americom proposes that the hearing be bifurcated and the first issue to be decided is one which the Commission seems to have assumed an answer. That is, we believe, the only issue in the first part of the hearing should be whether radio station KHTZ (AM) can be rebuilt at any location that would allow service to the city of Truckee. If the Commission finds what Americom knows, i.e., that there is no available location meeting FCC rules, zoning laws and technical constraints, then all the other issues mentioned in your letter are resolved without the necessity of preparing for a